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PLAINTIFFS

DALE E. JOHNSTON

DEFENDANTS

GENERAL PORTLAND, INC.,
a Delaware CorporationD & R COAL COMPANY, A PARTNER-
SHIP OR JOINT VENTURE, DALE
DALTON, AND BILL RILEY, PER-
SONALLY AND AS PARTNERS OR
JOINT VENTURERS.

(THIRD PARTY DEFENDANTS)

CAUSE

Claim for monetary damages for conversion of coal; filed under 28 USC §1332.

ATTORNEYS

Richard T. Sonberg
907 Philtower Building
Tulsa, OK 74103
583-5985*withdrawn*
2-1-78
~~John F. Barry~~
~~Gary R. McSpadden~~
~~Conner, Winters, Ballaine, Barry~~
~~& McGowen~~
~~2400 First National Tower~~
~~Tulsa, Oklahoma 74103~~
*583-5985*Harry L. Seay, III (General Portland)
HALL, ESTILL, HARDWICK, GABLE,
COLLINGSWORTH AND NELSON
4100 Bank of OK Tower
One Williams Center
Tulsa, OK 74103
588-2700Robert K. McCune (D & R Coal Co.,
Gene Stipe Dalton & Riley)
P. O. Box 53567
Oklahoma City, OK 73105 524-2268☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-5 11-1-76

JS-6 2-1-78

DATE	NR.	PROCEEDINGS	
<u>1976</u>			
10-14	1.	Complaint, filed, w/attorney's lien claimed. Summons issued. ph	
10-18		Summons, ret. & filed: served The Corporation Co., Reg. Agt., Okla. City on 10-15-76. (USM \$4.00)g	
11-4	2.	Answer of deft., filed.s	
11-11	3.	Pltf's first interrogs to defendant, filed.s	
12-13	4.	Deft's appl. for time til 12-23-76 to ans. interrogs., filed.k 0 to J	
12-14	5.	Order, filed, granting deft. til 12-23-76 to ans. interrogs. (AEB-J)k	cps
12-20	6.	Answers to first interrog. to deft., filed. hm	mld
1977			
1-13	MO	Parties are directed to hold PT conf. on or before 2-25-77 & file PT Order on or before 3-4-77. (AEB-J)k	cps mld
1-27	7.	Notice of depositions of Johnston, Riley, Dalton, Harper and Moore, filed. Subpoenas issued. lm	
2-2	8.	Appearance of Counsel Harry L. Seay, III, for Deft. General Portland, Inc., fld. v	
2-8		Sub. ret. & filed: served Mike Harper, Dale Dalton, Bill Riley; unserved as to Jack Moore. (USM \$48.48)g	
2-9	9.	John E. Barry and Gary R. McSpadden (attys. for deft.) application for leave to withdraw as counsel, filed.s 0 to J	
2-10	10	Joint appl. for postponement of pre-trial proceedings, filed.k	
2-10	11	Order, filed, striking pre-trial setting. To be reset on next pre-trial docket. (AEB-J)k	cps mld
2-11	12	Order, filed, allowing John E. Barry and Gary R. McSpadden to withdraw as counsel for deft. (AEB-J)k	cps mld
2-15	13	Appli. of deft. for leave to file third pty compl., filed. <i>app 7/29/77</i>	
2-15	14	Brief in support of appli. for leave to file 3d pty compl., filed. lm	
2-15	MO	Ordered by the Court that pltf. is granted ten days from this to file a response to deft's appli. for leave to file 3rd pty compl. (AEB-J)lm	<i>thru mld</i>
2-17	15	Pltf. consent to third party complaint, filed. ho	
2-18	16	Order, filed, allowing third party complaint. (AEB-J)g	cp mld. <i>+ telephoned</i>
2-18	17	Third party complaint fld. summons not issued. ho	
2-18	18	Deft. (gen. port.) appl. for leave to amend answer. fld ho	
2-18	19	Deft. (gen. port.) brief in supp. of appl. for leave to amend ans. fld. ho	
2-22	MO	Ordered by ct. that pltf. file a responsive brief w/in 10 days to deft. (gen. port.) appl. for leave to amend ans. (AEB-J)	cps mld ho
2-22		Summons issued as to third party complaint. ho	
2-23		Summons issued as to third party complaint. ho	
3-7		Deposition of Dale E. Johnston, taken on behalf of deft., on 2-8-77, before Frank L. Peterson, C.S.R., w/ costs of \$127.50, filed.k	
3-7		Deposition of Mike Harper, taken on behalf of deft., on 2-8-77, before Frank L. Peterson, C.S.R., w/ costs of \$48.00, filed.k	
3-10	MO	The ct has for consideration the appl. of the deft. for leave to amend answer & no parties having fld. any objections. It is ordered that deft. appl. for leave to amend answer is granted and deft. is directed to file said amendment w/in 10 days from this date. (AEB-J)	cps mld ho
3-11	20.	Amendment to Answer, fld. v <i>3-21 to reply to amended answer filed</i>	
4-8	21	Ans. of D&R Coal Co., Dale Dalton & Bill Riley to third party compl. of deft. General Portland, filed out of time with leave of Court. (AEB-J)k	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
DALE E. JOHNSTON		GENERAL PORTLAND, INC., et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1977 4-11		Third party summons, ret. & filed: served Dale Dalton, personally & Dale Dalton as partner in D&R Coal Co., Quinton, Ok. 3-3-77; unserved as to Bill Riley, personally, and as partner in D&R Coal Co. (USM \$75.28)g	
6-14	MO:	Parties are directed to hold PT conf. on or before 7-26-77 and file PT Order on or before 8-2-77. (AEB)k ntc mld	
7-12	22	Pltf. appl. for continuance of PT conf. fld. ho 0 to J.	
7-12	MO	The Ct. has for consideration the joint appl. of the parties to ext. the time to file PTO, and, being fully advised in the premisses, finds that said appl. should be granted. IT IS THEREFORE ORDERED that the appl. to ext. PT conference be and the same is hereby granted and the parties are granted until 8-26-77 to have a PT conference and file an agreed PTO. (AEB-J) cps mld. ho	
8-23	23	Pltf. appl. for continuance of PT conference. fld. ho	
8-30	24	Order, fld. postponing PT proceeding, It is ordered that the PT hrg. & proceedings scheduled for 8-26-77 be postponed until 9-15-77 at which time the parties shall file their agreed PTO. (AEB-J) cps mld. ho	
9-15	25	Deft. Portland appl. for leave to amend ans. w/brief in supp. fld. ho <i>orig. amend ans in file w/ Order</i>	
9-15	26	Deft. Portland mot. for joinder of indispensable parties and dismissal. w/brief in supp. fld. ho	
9-16	MO	IT IS ORDERED that pltf. & 3rd party defts. are granted 10 days to respond to Deft. Portland appl. for leave to amend ans. & mot. for joinder of indispensable parties & dismissal. (AEB-J) cps mld. k	
9-16	27	Affid. of Harry L. Seay III in supp. of mots. for joinder & to dismiss. fld. ho	
9-20	28	3rd party Defts. response to Defts. mot. for joinder and to dismiss. fld. ho	
9-29	29	Pre-Trial Order, fld. (AEB-J) cps mld. ho	
9-30	30	Pltf. brief in opposition to mot. for joinder. fld. ho	
10-5	31	Deft. General Portland reply brief. fld. ho	
10-27	MO	Case referred to Mag. Robert S. Rizley pursuant to Order No. M-128. (AEB-J)k	
11-3	MO	Case set for hrg. before Mag. on deft. Portland's appl. to amend and mot. for joinder on 11-21-77 at 10:30 a.m. (RSR-Mag)k ntc by KT	
11-11		Depo. of Dale Dalton taken of behalf of the Deft. on 8-30-77 in Tulsa before Ann Hart, LSR. fld. ho	
11-21		Case called for hearing before Mag. Rizley on Portland's applic. for leave to amend answer, & Deft. Portland's motion for joinder of indispensable parties & for dismissal. Parties present. Deft's motions taken under advisement. Deft. Portland granted leave to file motion to transfer w/in 10 days. Parties to file simultaneous briefs on motion to transfer w/in 10 days. (RSR-Mag) b	
12-1	32	Deft. General Portland, Inc. mot. to transfer to the Eastern Dist. of OK for forum non conveniens and Lack of venue under 28 USC §1391 (a). fld. ho	
12-1	33	Deft. Portland brief in supp. of mot. to transfer. fld. ho	
12-20	MO	Mag. recommends that deft. General Portland's mot. to transfer to Eastern Dist. of OK be sustained. Rulings on all other mots. to be held for decision by US Dist. Judge for EDO. Counsel for deft. Gen. Portland to prepare F&R of the Mag. (RSR-Mag)k ntc by KT	

CIVIL DOCKET CONTINUATION SHEET

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